



**Missouri Department of Health and Senior Services**

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010  
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**Gail Vasterling**  
Acting Director



**Jeremiah W. (Jay) Nixon**  
Governor

**TECHNICAL BULLETIN NUMBER F1-13**

**TO:** Local Public Health Administrators  
Local Environmental Public Health Specialists  
DHSS Environmental Public Health Specialists

**THROUGH:** Mark Jenkerson, Bureau of Environmental Health Services

**FROM:** Ellen Dettman  
Retail Food Program Manager

**SUBJECT:** Guidance on Enforcement of the Updated Missouri Food Code

**DATE:** September 25, 2013

**CONTACT:** Ellen Dettman, Program Manager  
[Ellen.dettman@health.mo.gov](mailto:Ellen.dettman@health.mo.gov)  
(573) 751-6095

On September 30, 2013, the Missouri Food Code, which incorporates Food and Drug Administration's 2009 model food code language as well as specific drinking water and onsite wastewater standards for regulated facilities in Missouri, will become rule. A copy of the Missouri Food Code can be accessed at: <http://health.mo.gov/safety/foodsafety/index.php>.

Although numerous changes have been made to the Code, three enforcement concerns have been raised by Local Public Health Agencies (LPHAs) thus far—usage of the terms “Department” versus “regulatory authority” approval; eliminating the exemption for the cold-holding temperature of 45°F; and the approval process for new and renovated food establishments.

A definition for the “department” has been added to specifically reference the Missouri Department of Health and Senior Services. This was added to differentiate who has the authority to approve specific processes within the Code. When the Code citation refers to the “regulatory authority”, the LPHA has authority to determine whether a process is approved; likewise when the Code citation states “department”, the Department of Health and Senior Services will make the decision.

Examples of the department being referenced include 1) Determining whether a food is potentially hazardous and 2) Approval of special processes. An example of the regulatory authority being referenced can be found in 8-303.10, Issuance of Approval to Open.

We have also received questions regarding enforcement of new standards in the Code, such as when to begin enforcing the sunset of the 45° F cold-holding exemption found 3.501.16 (C). Even though many food establishments are aware of the changes made, others have not been presented with this

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information. In an effort to apply any and all of the new standards consistently statewide, the Bureau of Environmental Health Services is advising LPHAs to educate facility managers regarding applicable changes in the revised Code and to provide food establishments one full inspection cycle to make the necessary corrections. Suggested inspection cycles are listed in the Environmental Health Operational Guidelines. This does not excuse food establishments from coming into compliance, it simply grants the industry an opportunity to become informed and for us to interpret and enforce the new standards appropriately and consistently throughout the state.

The 1999 Food Code did not require food establishments to notify the regulatory authority before opening. The intent of requiring notification to open for new and renovated food establishments is to create an opportunity to educate and make changes to the operation before the establishment opens. This citation was not intended to impede the process for a food establishment to operate, but for that food establishment to open already in compliance with the Code. As such, state and local agencies should make special efforts over the next six to nine months, to educate the industry and public concerning this requirement before considering enforcement actions. Education through classroom trainings, inspections, site visits, web page updates, and other venues are key to ensuring individuals in the state understand this new requirement.

Comprehensive trainings on food code updates will be offered to LPHAs this coming winter throughout the state. If you have any further questions or concerns in the interim, please feel free to contact Ellen Dettman or your Regional EPHS.